



**MINUTES
CITY COUNCIL MEETING
September 20, 2022**

CALL TO ORDER

The meeting was called to order at 6:32 pm.

Present: Mayor: Charlie Miner; Council: Jahn Dyvik, Mike Feldmann, Gina Joyce, and Deirdre Kvale

Staff Present: City Administrator: Scott Weske; and City Clerk: Jeanette Moeller

Absent: None

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENTS – LONG LAKE NEWS, MEETING REVIEW AND UPDATES

Mayor Miner offered the following comments and updates:

The Council had met in a work session prior to the regular meeting at which they had reviewed the 2023 Preliminary Budget and Levy which will also be discussed later on the regular agenda.

Mayor Miner, City Administrator Weske, and Public Works Director Diercks attended a memorial service on September 8 to honor the fifth year anniversary of the death of Officer Bill Mathews from the Wayzata Police Department.

On September 13, Mayor Miner had attended a Crime Prevention Coalition meeting. One of the topics of discussion was the potential for adding a member of the Long Lake business community to the Board.

On September 14, Mayor Miner, Council member Dyvik, and City Administrator Weske attended another future fire services group meeting along with a number of neighboring cities. He noted that he would give a broader update on the group's discussion later during the Council meeting.

APPROVE AGENDA

A motion was made by Feldmann, seconded by Dyvik, to approve the agenda as presented. Ayes: all.

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of September 6, 2022 City Council Work Session Meeting
- B. Approve Minutes of September 6, 2022 City Council Meeting
- C. Receive Minutes of August 23, 2022 Planning Commission Meeting
- D. Approve Vendor Claims and Payroll
- E. Authorize Pay Request #1 to GMH Asphalt Corporation in the Amount of \$89,152.18 for the 2022 Pavement Improvement Project

- F. Approve the Proposed 2023 Lake Minnetonka Communications Commission (LMCC) Budget and 5 Year Capital Plan
- G. Adopt Resolution No. 2022-46 Accepting a Donation to the Long Lake Fire Department in the Amount of \$125 from the Minnetonka Beach Civic Association
- H. Adopt Resolution No. 2022-47 Accepting a Donation to the Long Lake Fire Department in the Amount of \$200 from Minnetonka School District No. 76
- I. Approve Issuance of a 1 to 4 Day Temporary On-Sale Liquor License for the Church of St. George's 2022 Day of the Dead Celebration on Saturday, October 29, 2022; and Approve an Application for Exempt Permit for the Church of St. George to Conduct Gambling Activities Including a Raffle During the Event
- J. Adopt Resolution No. 2022-48 Approving Issuance of Special Event Permit #S2022-14 for the Gear Western Half Marathon and 5K to be Held October 15, 2022; Approve Issuance of a Noise Variance Permit Authorizing the Use of Sound Amplification Equipment during the Event

Mayor Miner expressed his appreciation to the Minnetonka Beach Civic Association and Minnetonka School District No. 76 for their donations to the Long Lake Fire Department.

Council member Dyvik asked for clarification on a check register item for a SAC charge expense paid to the Metropolitan Council.

City Clerk Moeller explained that the City collects the Metropolitan Council SAC fees and City SAC/WAC due at the time a building permit is issued. The Metropolitan Council fee is a pass-through item and the City retains about 1% of the total due to their office.

*A motion was made by Miner, seconded by Dyvik, to approve the Consent Agenda as presented.
Ayes: all.*

OPEN CORRESPONDENCE

Bryan Miller, 295 Lakeview Avenue – At the resident's request, Moeller read aloud the following letter from Bryan Miller, 295 Lakeview Avenue.

First, I would like to commend the City of Long Lake's Mayor and all of the City Council members for their thoughtful and diligent work over the past couple of months deliberating the City's options, in public I might add, in regards to the future of the Long Lake Fire Department. I have yet to witness the City of Orono's Council meetings do that. But, I have witnessed some marathon meetings held by the City of Long Lake and I can't thank you and the City staff enough for your hard work.

I think it has been made clear by members of the Orono City Council at last week's meeting that their desire is to either own and operate their own Fire Department or control the fire services for Long Lake, Minnetonka Beach and portions of Medina rather than go a with a fire service model similar to that of Excelsior where no one city controls the service.

I am one who appreciates and respects history. Especially that of the entire Lake Minnetonka area. My home was originally owned by founding members of Long Lake through 1987 and I will always hold on to its history. The Long Lake Fire Department has been in existence since 1915 and my desire is to continue that tradition in perpetuity. However, I do not feel that turning over control to any one other city is in line with

respecting history. If the officials representing the City of Orono cannot work to retain that history and go with the Excelsior model you have proposed, than my preference would be to cut bait and go with the City of Wayzata for fire services. Orono can pay 100% for their fire services instead of their purported 85% as far as I am concerned. Wayzata has done a wonderful job for us with their police services. They are present, they are respectful to our citizens and they do a great job.

Thank you for your time.

BUSINESS ITEMS

Update from Long Lake Waters Association Regarding Carp Removal Project

Jane Davidson, 1020 Old Long Lake Road, spoke on behalf of the Long Lake Waters Association (LLWA) and gave an update on the ongoing carp removal project. She reported that their carp removal efforts are not quite done for the year, but assured the Council that she would be back in about a month with a final report. She shared that the LLWA has been very pleased with the carp removal progress made and by Carp Solutions. She highlighted that one thing they have learned through this year's project is that the carp population in Long Lake are primarily adults and there is no 'recruitment' of young, which is good news. So far this summer, over 1,000 fish have been removed with five box nets in place. Two of the non-productive nets have now been removed and there are three remaining in place at this time. Carp Solutions has completed five net pulls thus far and has committed to doing one more haul without any extra charge. She indicated that in order to arrive at their management goal they only need to pull about 400 more carp, which she thinks is a remarkable success.

Council member Dyvik questioned why there wasn't any spawning or new fish.

Ms. Davidson explained that the fish are reproducing but there is not a safe 'nursery' area in the lake because there are predators, so those small fish are eaten.

Council member Dyvik asked whether Carp Solutions had come up with any recommendations moving forward.

Ms. Davidson responded that if the end result falls short of the management goal, it may be worthwhile to try netting again next spring if the water level is high enough. She shared information about the plant density and plant quality outcomes that improve with carp removal.

Council member Feldmann pointed out that it appears as though 40% of the carp population from two years ago have been removed.

Ms. Davidson confirmed that was true, and that carp removal has been a group effort that has really paid off.

The Council thanked Ms. Davidson for the update on the carp removal program.

Adoption of Preliminary 2023 Payable Levy; Establish Truth in Taxation Public Meeting Date to Discuss Levy and Proposed Budget

City Administrator Weske explained that the Preliminary Budget and Levy that will be adopted at the meeting can be decreased when the Final Levy is approved in December, but cannot be increased. He recalled that in the past, the City has tried to maintain the City's tax rate at the same level or

even at a little bit of a reduced rate based on prior years' budget cycles. This year, there was such a large overall market value increase city-wide, and keeping the tax rate the same would result in a 18.92% levy increase and a surplus of around \$237,000. He presented an overview of some of the General Fund budget considerations including employee wages; inflation impacts; the Police contract expense; and health insurance premiums. He noted that the utility funds are continuing to lose cash, but as discussed in the work session, the City will be looking to make rate adjustments. He indicated that he had put together documentation that outlined General Fund Expenses and compared the difference between the 2022 budget and 2023 budget years, and gave scenarios for various levy increase percentage options.

Mayor Miner reminded the Council that the City can decrease what is decided upon tonight, but cannot increase it.

Council member Dyvik commented that just because the City could move forward and keep the City's tax rate the same does not mean that they should. In a year like 2022 where there has been significant increases in assessed market values, he doesn't think keeping the tax rate the same for 2023 could be considered a great accomplishment and noted that he felt a 18.92% levy increase would be too much.

Council member Kvale agreed that an 18.92% levy increase would be huge and mentioned that some of the expected increased costs are already included in the budget.

Council member Dyvik stated that a 9% increase would still leave the City with some funds that can be allocated to the Pavement Management Fund, and acknowledged that the City will also likely need to set aside additional reserves for the fire capital fund in anticipation of future purchases.

Council member Feldmann also agreed that an 18.92% levy increase would be excessive and explained that he had lived in two other places where when valuations increased, they kept their tax rates the same, which simply meant those communities took more money from their residents. He felt that was a dishonest approach.

Council members discussed general details of the 2023 Preliminary Budget and Levy and scenarios for levy percent increases that would result in reducing the City's overall tax rate rather than maintaining it at the same rate.

A motion was made by Dyvik, seconded by Miner, to adopt Resolution No. 2022-44 establishing the Preliminary Tax Levy Payable in 2023 for the City of Long Lake at \$1,406,740.27 which is the equivalent of a levy increase of 10.081%. Ayes: all.

Council member Dyvik noted that the Council will revisit this later in the year and reiterated that the Final Levy can still be decreased at that time.

A motion was made by Miner, seconded by Dyvik, to adopt Resolution No. 2022-45 establishing December 6, 2022 as the Truth in Taxation Public Meeting Date to discuss the proposed property tax levy for the Taxes Payable 2023 and the proposed Budget for Taxes Payable Year 2023 for the City of Long Lake, Minnesota. Ayes: all.

Updates and Discussion Regarding Fire Department Matters

Mayor Miner updated the Council on the most recent future fire services planning group meeting, at which the guest speakers were members of the Excelsior Fire District Board. He explained that the

Excelsior Fire Board is comprised of one Council member from each of the five cities in the district, and the Council member representatives from Greenwood and Deephaven along with a former Fire Chief and their current Fire Chief were in attendance. He gave a brief history of how the Excelsior Fire District was originally formed in 2001, with the Joint Powers Agreements rewritten in 2010 and 2011.

Council member Kvale asked if the Excelsior Fire Board had citizen representation.

Mayor Miner clarified that the Board consists of one Council member from each member city.

Council member Dyvik noted that members of the Excelsior Fire District had strongly recommended that a Board be comprised of Council members and not just residents at-large.

Mayor Miner shared that within the last few years, the Excelsior Fire District has hired a full-time office manager so the fiduciary duties lie with that person rather than with the member cities. In addition to the governing Board, there is an Executive Board that is comprised of the City Administrators/City Managers which is a non-voting entity, but they handle decision making for operational day-to-day activities. He provided an explanation of how the Excelsior Fire District is currently using a duty crew staffing model.

Council member Dyvik commented that the input from the Excelsior Fire District was great and he felt they had really clearly laid out how their arrangement works. They have large disparities in what each City pays, yet they have equal representation; and what really stuck with him after their presentation was the thought process that they operated from a perspective that what is good for their cities is what is best for their overall community, versus a focus solely on what is good for an individual city. Their approach likely has resulted in the best outcome from a financial perspective for all of the participating cities as well. He noted that if the Long Lake's fire coverage moves forward with some sort of JPA, he would be okay with some sort of weighted representation rather than just one member per city. He noted that the Excelsior Fire District representatives strongly recommended employing a full-time administrative assistant rather than trying to accomplish the work of that position through the various cities.

Council member Joyce asked if Mayor Miner or Council member Dyvik had observations regarding how the other cities may have felt about the information shared by the Excelsior Fire District.

Council member Dyvik replied that he believed everyone thought their JPA was well put together and well done but he did not think all the cities may have been giving consideration to the situation as urgently as Long Lake is.

Mayor Miner stated that the next negotiation meeting with the Orono Council representatives is scheduled for September 22, but informed Council that at Orono's last City Council meeting, they had passed three motions. One of those motions was to basically allow two weeks for the negotiating committee to come to an agreement with Long Lake.

Council member Dyvik added that he was very disappointed in the Orono Council's action because he felt it undermined the work that the negotiation committee had been doing by putting such a short deadline on a resolution. He shared that they also had unanimously voted to file paperwork with the State to register as their own Fire Department, which he felt would be a setback to further negotiations.

Council member Kvale asked if the third motion was to hire a Fire Chief.

Council member Dyvik confirmed that the third action the Orono City Council had unanimously approved was to appoint Eddy Rice, a current candidate for an Orono Council seat, to head the HR committee that will interview their Fire Consultant/Chief. He indicated that he thinks the negotiation meeting coming up on September 22 will really tell Long Lake where the situation is heading, though he remained hopeful that things won't simply be cut off and this wouldn't be their last meeting. He noted that there have been a number of tenets that all four individuals on the negotiating committee had agreed upon, which he thought they were working towards, including creation of an authoritative Fire Board.

Council member Kvale stated that she found it interesting that every city each has one vote on the Excelsior Fire Board.

Council member Joyce mentioned that she would be in favor of using an exact model of what Excelsior Fire District is doing.

Council member Dyvik observed that if a similar model were presented to Orono, it was unlikely that they would agree to being part of a Fire Board that has equal representation among the cities. Orono representatives have referenced their involvement in the Lake Minnetonka Conservation District (LMCD) as an example, and conveyed their concern that they have been overrun by other cities even though they have the majority of the lakeshore.

Council members discussed the Excelsior Fire District and how it runs with a duty crew, shared costs for equipment, and its own administrative assistant; and the various actions that Orono passed at their recent City Council meeting. The Council reviewed the other cities that had been in attendance at the future fire services meeting and questioned whether they may be interested in joining a Joint Powers Agreement.

Council member Feldmann expressed his appreciation to Mayor Miner and Council member Dyvik for the amount of time they have been spending on this issue.

OTHER BUSINESS

Planning Commission Liaison Report - Council member Feldmann gave an overview of the recent Planning Commission meeting, reporting that the updated Village Design Worksheet for The Borough redevelopment project had been approved.

Tree Replacements - Council member Dyvik questioned when the dead trees along Wayzata Boulevard W would be coming out. Weske indicated that staff had actually ordered trees for planting due to lack of availability of reasonable spade rental. Ultimately it ended up being easier just to purchase new trees and plant them. He was unsure what tree varieties were going in but was aware that Public Works is planning to plant three different kinds that would not be the same as those that died. Council member Dyvik noted that he was glad to see the two light poles along the roadway had been replaced.

Fire Prevention Open House - Mayor Miner reported that the Fire Department will be hosting their Fire Prevention Open House on October 3, 2022. Moeller conveyed that she had not yet received event details but she would be posting information as soon as she receives it.

Park Board Liaison Report - Council member reviewed summarized discussions at the recent Park Board meeting. She advised that the proposed date for the Holbrook Park tree lighting ceremony is currently December 2, 2022.

Right-of-Way Reminders - Moeller noted that she will be working on a City newsletter which will include election information as well as a reminder about on-street overnight parking. She informed Council that City staff has received a series of complaints this year about campaign signage and placement. She issued a reminder that all campaign signage should not be located in any local street or County road right-of-way, and signage needs to be set back further on private property.

ADJOURN

Hearing no objection, Mayor Miner adjourned the meeting by general consent at 7:54 pm.

Respectfully submitted,

Scott Weske
City Administrator